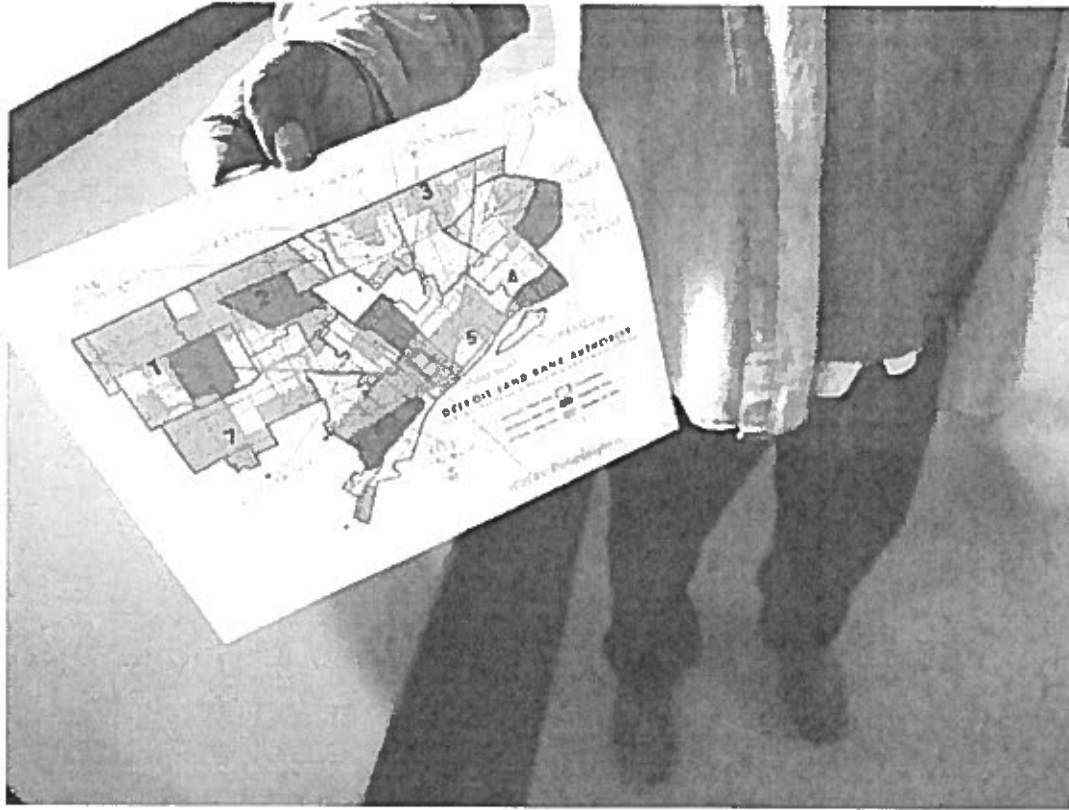


Feds said contractor endangered children, but Detroit hired him anyway

Jennifer Dixon, Detroit Free Press Published 11:25 p.m. ET May 20, 2017 | Updated 6:34 p.m. ET Aug. 22, 2017

What's asbestos and why is it so dangerous? Detroit Free Press



(Photo: Ryan Garza, Detroit Free Press)
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(Editor's note: This article has been altered to remove inaccurate information provided by a Detroit city official. The official incorrectly said firefighters were dispatched to hose down 13 piles of asbestos-tainted debris left behind by demolition contractor Jesse Brown. In fact, Brown hauled the debris away, state records show.)

A month after federal prosecutors accused demolition contractor Jesse Brown of exposing his workers and the children of a southwest Detroit neighborhood to cancer-causing asbestos fibers, the City of Detroit hired him to tear down abandoned houses.

It wasn't until the Michigan Department of Environmental Quality issued so many violation notices against his company, Brown Environmental Construction, that Detroit officials suspended him for a second — and possibly last — time from Mayor Mike Duggan's aggressive push to tear down 40,000 blighted structures in neighborhoods across Detroit.

City officials told the Free Press that they will seek to permanently disbar him from bidding on any more jobs, and that he was told he would be arrested if he tried to do work on city properties.

A Free Press investigation found that Brown has received violation notices from the DEQ for issues at 30 separate properties since 2014 — more than any other contractor tearing down houses for the city — and his \$40,000 in DEQ fines for asbestos violations were the highest among the city's contractors.

Despite that, Brown still managed to tear down 256 buildings at a cost of \$2.58 million before he was removed in July 2016. That suspension was triggered when DEQ issued violation notices saying Brown demolished 13 properties in early June without first removing asbestos.

Brown's lawyer, Doug McClure, said in an interview the contractor wants to resume doing city work. McClure said Brown thought the asbestos had been removed by his subcontractor when he demolished the 13 properties. McClure said Brown is disputing the DEQ violation notices.

Nick Schroeck, a law professor at Wayne State University who specializes in environmental law, said the city's continued use of Brown, despite repeated violation notices from the DEQ, suggests "a real problem with oversight" by city officials. "Why has there been this really horrible lack of oversight on the part of the city?"

The city's top lawyer, Melvin Butch Hollowell, countered that Brown was "lawfully allowed to bid" on demolition contracts and that when the violation notices piled up, the city took its harshest measure when it suspended him from bidding on new contracts for 480 days last June. Brown has a builders license from the state and a demolition license from the city.

Brown also was suspended from bidding for four months in 2015.

Brown's two suspensions cost him \$2.5 million in business, according to the city. In an interview at his company's office earlier this month, Brown said he can no longer afford his auto insurance so he's not working.

Nearly 11,500 properties across Detroit have been demolished since Duggan took office in 2014, in what the city calls the largest blight removal program in the country.

Brown's troubles began in 2013, when Brown Environmental Construction was hired by a property owner to remove asbestos-containing materials from the former Oliver Wendell Holmes Elementary School in southwest Detroit before its scheduled demolition.



Detroit suspended Brown Environmental Construction from bidding on new contracts. (Photo: Ryan Garza, Detroit Free Press)

Brown told the Free Press that when he got the job, illegal scrappers had ripped valuable metals from the building and left a mess: Every window and door was open to the elements. Asbestos-laced dust covered the floors and was a foot deep in the boiler room. He said children rode bikes through the dust.

State inspectors found similar problems.

Asbestos is dangerous when it is dry and powdery, or easily broken up, and microscopic fibers are released into the air. There is no known safe level of exposure.

According to federal court documents, Brown knew the dangers of asbestos because his father had died of mesothelioma, a cancer caused by asbestos exposure.

And yet, prosecutors said in court records, Brown exposed his own workers and neighborhood children to asbestos fibers when they entered areas of the school building where asbestos debris was present.

The case drew not only federal prosecutors and investigators from the U.S. Environmental Protection Agency, but inspectors from the DEQ, who said in writing that Brown had failed to remove asbestos-containing materials from the building, failed to wet those materials during stripping operations, failed to contain those materials in leak-proof containers and "allowed visible emissions to escape to the outside air."

In November 2013, Brown settled the DEQ's case against him, agreeing to pay a \$20,000 penalty and to comply with federal air quality laws on asbestos abatement.

A few months later, in February 2014, federal prosecutors filed a criminal complaint against Brown in connection with asbestos exposure at the school building.

Despite the pending criminal case, Brown demolished abandoned buildings for the city's blight program beginning that March.

In December 2014, Brown signed a plea agreement admitting to a single misdemeanor of negligent endangerment.

He was sentenced in June 2015 to two years of probation, including the first six months in a halfway house, and agreed to surrender his asbestos abatement license and not to do any abatement work during his probation. He retained his builders and wrecking licenses.

That same month, Detroit officials suspended Brown from bidding on new demolitions for four months and took away \$1.65 million in business after DEQ said it found violations at several properties he had demolished.

DEQ spokeswoman Melody Kindraka wrote in an e-mail to the Free Press that the department has referred the Brown case to the Michigan attorney general's office.

By 2016, Brown was back on the job in Detroit. But within months, after the discovery of the 13 properties torn down without asbestos removal, the city finally had enough. Besides being suspended again, Brown lost another \$900,000 in work.

In July, the city sent him a letter citing the "litany of violations" found by DEQ.

"Effective immediately, the City of Detroit is issuing a STOP WORK order for all properties" that Brown was scheduled to demolish. Further, Brown was warned to stay off those properties and that "the appropriate authorities" would be called "if your organization fails to follow these instructions."

Contact Jennifer Dixon: 313-223-4410 or jbdixon@freepress.com.